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5  
6 Counsel for Defendant THOMAS  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-09-379 MHP
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE SENTENCING
13 v.	)	HEARING
	)	
14 KELLY THOMAS	)	<b>CURRENT HEARING DATE:</b> October 26,
	)	2009, at 9:00 a.m.
15 Defendant.	)	
	)	<b>PROPOSED HEARING DATE:</b> December
16	)	7, 2009, at 9:00 a.m.

17 1. On July 27, 2009, Ms. Thomas entered a plea of guilty before the Court. Her  
18 sentencing was set for October 26, 2009.

19 2. On August 18, 2009, defense counsel and Ms. Thomas attempted to meet the  
20 probation officer for a scheduled presentence investigation interview. However, the probation  
21 officer was unable to attend the meeting, and defense counsel later learned that Ms. Thomas's  
22 case had to be reassigned to a different probation officer.

23 3. Defense counsel was on scheduled leave from August 21, 2009, to September 14,  
24 2009. Thus, the presentence interview in this case did not take place until September 21, 2009.

25 4. In order to ensure that the probation office has ample time to prepare an accurate  
26

1 report in accordance with the time limits set forth in Fed. R. Crim. P. 32, all parties agree that  
2 there is good cause for a continuance.

3 5. Defense counsel has conferred with both counsel for the government and the  
4 probation officer, and all parties are available for sentencing on December 7, 2009, at 9:00 a.m.

5  
6 IT IS SO STIPULATED.

7 9/22/09

/s/

8  
9 DATED

JEFFREY FINIGAN

Assistant United States Attorney

10  
11 9/22/09

/s/

12 DATED

RITA BOSWORTH

Assistant Federal Public Defender

13  
14 IT IS SO ORDERED.

15  
16 9/23/2009

DATED

